



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**

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August 30, 2006

Dear Interested Citizen:

Enclosed is a package of proposed changes to the 2007-2008 rules governing recreational fisheries for game fish, food fish, and shellfish. This notice is being sent to everyone on our sportfishing rule development list, which consists of approximately 2700 names. These include regulatory agencies, tribal biologists, sport clubs, and advisory groups. We look forward to receiving your comments or ideas concerning the proposed changes that are enclosed with this notice. This notice and the enclosed information is also available on our website at [wdfw.wa.gov](http://wdfw.wa.gov).

This regulation cycle is what we have termed a "minor cycle." In minor cycle years, we only accept proposals from department staff, and these are limited to conservation concerns, housekeeping issues, significant recreational opportunities, and commission requests or rules from other forums.

The **public hearing** for these proposed rules will be held during the Fish and Wildlife Commission meeting on November 3 and 4 at the Red Lion at the Quay in Vancouver, Washington. The exact day and time when the Commission will hear this issue has not yet been determined. Please check the Department's website or call the WDFW Fish and Wildlife Commission office at (360) 902-2449 prior to the meeting for details. Verbal testimony on the proposals may be presented at the hearing. Written testimony may be sent to the WDFW Rules Coordinator, at the above address. All written testimony must be received by November 3. If you plan on attending the public hearing, you may submit written or oral testimony at that time.

Both written and oral testimony will be carefully considered. At the adoption hearing in February 2007, these proposals: (a) may be adopted as proposed; (b) may be modified; or (c) may not be adopted. The effective date of any changes will be May 1, 2007, unless otherwise noted in specific proposals that are adopted. Permanent rules remain in effect until formally changed.

If you are a person with a disability and require accommodation for attendance, please contact Nancy Burkhart at (360) 902-2449. This publication is available in alternate formats upon advance request. Please contact (360) 902-2200 or TDD (360) 902-2207. Please allow seven working days to process request.

## **The Pre-Season Salmon Management Process**

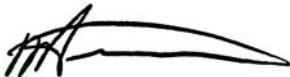
Another process that shapes recreational salmon fisheries in Washington waters is called the North of Falcon process. The final product from this process is an agreement to specific seasons and regulations for all recreational, commercial, treaty, and non-treaty salmon fisheries in waters north of Cape Falcon, including both marine and freshwater areas in Washington State. A series of public meetings are scheduled in March and April in conjunction with the Pacific Fishery Management Council's ocean season setting process. These meetings are attended by federal, state, and tribal managers, special interest groups and concerned citizenry. You are welcomed and encouraged to attend any of these meetings. Please contact Customer Service at (360) 902-2700 for details. Along with any changes made in the minor cycle rule change process, the recreational rules resulting from the North of Falcon process will also be included in the 2007-2008 sportfishing pamphlet.

## **Pacific Halibut**

The Pacific Fishery Management Council, the National Marine Fisheries Service and the International Pacific Halibut Commission (IPHC) have the primary responsibility for regulating this fishery. Quotas and rules for the 2007 recreational fishery for halibut have not been established. The Pacific Council will consider proposed changes to the rules in September, and will take final action on the rules, with the exception of the Puget Sound season dates, in November. The quotas will be established by IPHC in January 2007 and WDFW will host a public workshop on the Puget Sound season dates following the IPHC meeting. For more information on this process, please call (360) 249-4628, ext 211.

Thank you for your interest in Washington's fisheries resources.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lew Atkins', with a long horizontal flourish extending to the right.

Lew Atkins  
Assistant Director  
Fish Program

Enclosure

# **2007-2008 SPORTFISHING RULE PROPOSALS**



August, 2006

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## CONSERVATION REGULATIONS

### #1. Okanogan River Closed Waters

**Proposal:** Extend the lower boundary of the closed waters area on the Okanogan River (Okanogan Co.) below Zosel Dam to the first Highway 97 Bridge downstream of the dam.

**Explanation:** The current closed area is from Zosel Dam to ¼ mile below the railroad trestle. The new boundary of the first Highway 97 Bridge downstream provides a more definite boundary and gives more protection to ESA-listed steelhead that spawn in this area. According to spawner surveys performed by the Colville Tribe, this area has the highest density of spawning steelhead in the Okanogan River system.

### #2. Methow River Whitefish

**Proposal:** Change the lower boundary of the whitefish fishery near the mouth of the Methow River (Okanogan Co.) to Gold Creek. The upper boundary would remain at the falls above Brush Creek. The season would remain December 1- March 31, with whitefish gear required.

**Explanation:** ESA-listed steelhead stage in this area near the mouth, especially in March. The federal permit that allows fisheries in the Methow states that Gold Creek should be the lowermost boundary of the whitefish fishery in the Methow.

### #3. Snake River Confluence Protection Area

**Proposal:** Define an area in the Columbia River at the confluence of the Snake River as the Snake River Confluence Protection Area. This area, from the first powerline crossing the Columbia upstream of Sacajawea Park (powerline is about .4 mile above the navigation light at the park) to the Railroad Bridge between Burbank and Kennewick just downstream of the confluence with the Snake River, would have the same fishing rules as the Snake River.

**Explanation:** There is currently no clear line of demarcation between the Columbia River and the Snake River at the confluence in Pasco. There is a need for a well-defined boundary between the Columbia and Snake River because of different fishery regulations for salmon and steelhead. Snake River spring/summer Chinook, fall Chinook, and steelhead are listed as “threatened” under the ESA. The intent of the Snake River fishery regulations is to provide full protection for these listed stocks. Because Snake River fish stage at the mouth of the river, it is important to create and clearly define a “Snake River Confluence Protection Zone” for ESA listed salmon and steelhead. A boat fishery has developed at the confluence point at Sacajawea State Park. These fishermen are intercepting protected Snake River fish, in addition to Columbia River fish.

The proposed boundary line creates an easily identified and enforced protection zone for listed salmon and steelhead that often stage in this area of the Columbia while waiting for better water conditions before entering the Snake River. The proposed area is approximately 2.1 miles in length.

#### **#4. Restriction on the Use of Small Lead Sinkers in Four Lakes**

**Proposal:** This proposal would make it unlawful for anglers to use lead sinkers ½ ounce or less in weight while fishing in Ferry and Swan lakes (Ferry Co.) and Pierre Lake (Stevens Co.) and Bonaparte Lake (Okanogan Co.)

**Explanation:** This proposal is a modification of a public proposal submitted last year during the major rules cycle. Staff told the Commission that they needed more time to look into the situation before putting out a proposal for public comment the next year. The proposal described above is intended to address the problem of common loons that nest on the four lakes mentioned, and are very susceptible to ingestion of lead fishing tackle, which causes mortality to the loons. The proposal only addresses sinkers ½ ounce or less in weight, since studies have shown small lead sinkers are most commonly ingested by loons. Anglers would still be able to use larger lead sinkers, and other lures containing lead, such as lead-headed jigs or lead-core line in these lakes if the proposal is adopted. Similar prohibitions have been enacted for lakes in several states with large loon populations (New Hampshire, Maine, New York, Vermont) and in Great Britain to protect mute swans. There are an increasing number of alternatives to lead sinkers available to anglers. Staff is developing a summary report on the impact of lead sinkers in the environment and will use this to guide future actions.

#### **#5. American River Closed Waters**

**Proposal:** Add a “closed waters” section on the American River (Yakima Co.) from the Highway 410 Bridge at RM 4.5 to the Mesatchee Creek Trail crossing (RM 15.8), effective from July 16 through September 15.

**Explanation:** This closure is needed to protect ESA listed bull trout and wild spring Chinook that spawn and stage in these areas. Both species are vulnerable to harassment, catch and release mortality, and intentional poaching because clear, shallow summer flow makes these large fish easy to see. The primary staging/spawning area is located within the reach known as “Pleasant Valley.” The Chinook Pass highway (Hwy. 410) borders the entire Pleasant Valley area providing many opportunities for the public to observe and access the fish. In addition, there are three heavily used developed campgrounds (Hells Crossing, Pleasant Valley and Lodgepole), and numerous undeveloped campsites and trails. WDFW Enforcement runs “emphasis patrols” in this reach, but coverage cannot be continuous due to staffing limitations. Every year we receive anecdotal reports of “huge brown trout” being caught in this area during the summer (in actuality, they are spring Chinook or bull trout that are dark in color - there are no brown trout in the American River). Closing the proposed area to all fishing during the Chinook and bull trout spawning seasons should alleviate part of the enforcement problem and reduce pre-spawning mortality. The river upstream and downstream of the closed area will remain open for legitimate trout fishing during the entire June 1 – October 31 season.

#### **#6. Morse Creek Season Change**

**Proposal:** Change the season on Morse Creek (Clallam Co.) to December 1 – February 28. (Current season is June 1 – February 28).

**Explanation:** ESA listed Chinook salmon from the Elwha River are currently being planted in Morse Creek as a safeguard/broodstock source against catastrophic loss that may occur when the dams on the Elwha River are removed. Beginning with the 2003 brood, 200,000 yearlings were planted annually, and the first returns of 4-year-old adults are expected in fall of 2007. Morse Creek is small and returning Chinook are particularly vulnerable to harassment and poaching. Even if a catastrophic event does not occur in the Elwha, adult Chinook returning to Morse Creek will be transferred to the WDFW Elwha River Rearing Channel for use as broodstock or for placement above the dams during and shortly after dam removal, which is scheduled for 2008. Because of the important role of this Chinook stock to recovery of the Elwha population it is prudent to provide this additional protection by closing the waters during the time period Chinook may be present.

### **#7. Lower Nisqually River Season Change**

**Proposal:** Change the opening date of the fishery in the Nisqually River (Pierce Co.) from the mouth to the military tank crossing from June 1 to July 1.

**Explanation:** This change will provide protection for out-migrating steelhead smolts and kelts. Steelhead populations in the Nisqually have been severely depressed the last several years. This date change was made for the rest of the Nisqually system last year. A consistent opening date of July 1 instead of the usual June 1 in the entire system is more easily understood and enforced, and provides additional protection to any smolts or adult spawners that may be late in leaving the river.

### **#8. Skokomish River Season**

**Proposal:** Make the ending date for fisheries on the Skokomish River (including the North and South Forks – Mason Co.) October 31 rather than February 28. This would make the season from the mouth to Hwy 101 Bridge June 1- September 13 and October 1 – October 31, with catch-and-release. From the Hwy 101 Bridge to the forks, in the North Fork from the mouth to the lower dam and in the South Fork from the mouth to Rule Creek the season would be June 1 – October 31, with catch-and-release and selective gear rules.

**Explanation:** Wild steelhead escapements for the Skokomish River have been far below the escapement goal for the past 10 years. With a goal of 1400 fish, the past five year average escapement is less than 500. Stocking of hatchery fish was terminated in 2004, so no hatchery fish will be returning in the 2007-2008 season. This closure will provide additional protection for wild steelhead to aid in their recovery.

### **#9. West Twin River Season**

**Proposal:** Change the season on the West Twin River ( Clallam Co.) from June 1- February 28 to June 1 – October 31.

**Explanation:** Steelhead in the West Twin River have not met their escapement goal for the last 5 seasons (2001-2005). Closing the season at the end of October will provide protection for this small population.



## **#10. Sturgeon Fishing After Retaining a Daily Limit**

**Proposal:** This proposal would require anglers fishing for sturgeon on that portion of the Washington shore of the Columbia River from Bonneville Dam downstream to the Hamilton Boat launch (USACE boat restricted Zone boundary) to stop fishing for sturgeon once a daily limit (1 fish) is retained.

**Explanation:** This regulation would apply to an area that is closed to boating, so it would only affect to bank anglers. Enforcement officers working in this area have reported that catch-and-release angling opportunity for sturgeon is being abused when anglers fish in groups, and all anglers in the group continue fishing following the retention of a fish. Abuse is most flagrant where only one or two of the group actively fish for all the others who hold licenses but don't really participate in fishing.

This problem has grown in recent years as retention opportunities for sturgeon are reduced. The area described is within a spawning sanctuary that is closed to sturgeon fishing May-July and closed to retention of sturgeon August-September. Sturgeon abundance is greatest during the fall, concentrating effort into a narrow window of opportunity. This rule is only proposed for this small area because enforcement officers have not identified similar activity of this magnitude elsewhere.

## **#11. John Day Sturgeon Sanctuary**

**Proposal:** Create a permanent rule prohibiting fishing for sturgeon May 1 – July 31 in the Columbia River from the grain silo at Rufus, Oregon, upstream to John Day Dam.

**Explanation:** This closure was put into effect by emergency rule this year (2006). The closure protects sturgeon spawners staging just downstream of John Day Dam. The sturgeon population in the Dalles Pool has been experiencing poor natural production and a substantial reduction in the number of legal-sized fish. This proposal is intended to reduce the stress involved with excess handling in the recreational fishery, which can lead to reproductive failure and mortality

## **#12. No Retention of Green Sturgeon**

**Proposal:** This proposal would prohibit the retention of green sturgeon statewide.

**Explanation:** NOAA Fisheries recently (July 6, 2006) issued a ruling declaring the southern population segment of green sturgeon to be "Threatened." Recent genetic analyses have shown that 50-80% of the green sturgeon migrating to Washington estuaries are from this southern segment. Catch record card data show that these fish are occasionally harvested in coastal tributaries and Puget Sound. Non-retention rules for green sturgeon will also be applied to Washington commercial fisheries.

### **#13. Marine Area 7 Spot Shrimp Season**

**Proposal:** This proposal would change the Marine Area 7 spot shrimp season from open daily to open Wednesday through Saturday only.

**Explanation:** The intent of this rule change is to extend the spot shrimp season in MA 7. Effort in this area has increased rapidly in recent years, and the north and central portions have closed several weeks earlier each year. This proposal is an attempt to offset that trend by closing the fishery Sunday through Tuesday each week. Because a large amount of the effort in this area is concentrated on the weekends, the closure of one weekend day (Sunday) is necessary to extend the season length.

## RULES FROM OTHER FORUMS

### #14. Crab Creek Season

**Proposal:** This proposal would change the season in the section of Crab Creek from Highway 26 to Morgan Lake Road in section 36 from March 1 – September 30 to April 1- September 30.

**Explanation:** Columbia National Wildlife Refuge has requested the April 1 – September 30 season to standardize it with other waters on the refuge. Rules in other sections of Crab Creek would not be affected.

### #15. Medical Lake Motor Prohibition

**Proposal:** This proposal would make it unlawful for anglers to fish from a boat with a motor in Medical Lake (Spokane Co.).

**Explanation:** Medical Lake has selective gear rules for its fishery. Until last year, selective gear rules contained a provision that anglers were not allowed to fish from a boat with a motor. Last year the change was made to allow the use of electric motors in selective gear waters, including Medical Lake. The City of Medical Lake has requested that no motors be used on the lake because they have treated the lake with alum to improve the water quality. They are concerned that the use of motors may disturb the lake bottom, making this expensive treatment less effective.

### #16. Murray Creek Closure

**Proposal:** This proposal would make Murray Creek (Pierce County) closed waters.

**Explanation:** This proposal was requested by Karen Zirkel, the Washington National Guard biologist at Camp Murray. Murray Creek, which was often dry in the past, has been re-watered as part of a large restoration project. The closure will give naturally occurring resident cutthroat trout a chance to establish a stable population. Once this occurs, appropriate wild cutthroat fishing rules can be adopted. WDFW is also hoping to use Murray Creek as a broodstock collection point for kokanee from American Lake. The creek needs to be closed during the kokanee return to ensure sufficient egg-take and avoid harassment of spawners.

### #17. Skagit River Catch-and-Release Season

**Proposal:** This proposal would provide an additional catch-and-release fishery in the Skagit River March 16 – April 30 from the Dalles Bridge at Concrete to the Birdview Boat Ramp near the mouth of Finney Creek. Selective gear rules would apply, except it would be lawful to fish from a floating device equipped with a motor, but not while under power.

**Explanation:** This proposal was suggested by a Fish and Wildlife Commissioner to provide anglers additional catch-and-release opportunity for wild steelhead. It would be subject to change annually by emergency regulation depending on pre-season wild steelhead runs predictions.

## #18. Fly Fishing Only Rules

**Proposal:** This proposal would allow anglers to use electric motors in most fly fishing only lakes, and require anglers to use a knotless net to land fish in all fly fishing only waters.

**Explanation:** Last year, at the request of the Advisory Committee to the Fish and Wildlife Commission for Persons with Disabilities, we changed the definition of selective gear rules to allow anglers to use an electric motor in areas where selective gear rules apply. This was to allow more anglers with disabilities to participate in fisheries in these waters. Because many of these selective gear waters also require the release of different species of fish, a provision was added to require anglers to use a knotless net when landing a fish. After the new rule went into effect, it was pointed out to us that most of the same arguments that apply to selective gear waters also apply to fly fishing only lakes, and that the same two proposals should be put forth for these waters. The situation concerning motors is slightly different, because, although many fly fishing only waters have motor restrictions, some do not – it is not part of the fly fishing only definition. This proposal will allow anglers to use electric motors in most fly fishing only lakes, and require them to use a knotless net for landing fish in all fly fishing only waters. For details how the proposal would be applied on specific waters see list below:

Aeneas Lake (Okanogan Co.) – electric motors allowed – no internal combustion

Bayley Lake (Stevens Co.) - electric motors allowed – no internal combustion

Big Four Lake (Columbia County) – no fishing from a floating device – no change proposed

Brown's Lake (Pend Oreille Co.) - electric motors allowed – no internal combustion

Cady Lake (Mason Co.) – electric motors are allowed now– no internal combustion – no change proposed

Chopaka Lake (Okanogan Co.) - electric motors allowed – no internal combustion

Ebey Lake (Snohomish Co.) - electric motors allowed – no internal combustion

Leech Lake (Yakima Co.) - electric motors allowed – no internal combustion

Long Lake (Ferry Co.) - electric motors allowed – no internal combustion

McDowell Lake (Stevens Co.) - electric motors allowed – no internal combustion

Merrill Lake (Cowlitz Co.) – electric motors are allowed now– no internal combustion – no change proposed

Pass Lake (Skagit Co.) - electric motors allowed – no internal combustion

Quail Lake (Adams Co.) - electric motors allowed – no internal combustion

Squalicum Lake (Whatcom Co.) - electric motors allowed – no internal combustion

Vogler Lake (Skagit Co.) – electric motors are allowed now– no internal combustion – no change proposed

All fly fishing only waters (lakes and streams): Only knotless nets may be used to land fish.

## RECREATIONAL OPPORTUNITY

### #19. Deer Lake

**Proposal:** This proposal would make three changes to the fishery in Deer Lake (Stevens Co).

1. Open the season early (March 1 instead of last Saturday in April)
2. Add a separate daily limit for smallmouth bass of 10 fish, no minimum size, no more than one over 14" may be retained.
3. Change the trout daily limit to 5 fish, no more than 2 trout over 30" may be retained.

**Explanation:** These changes are intended to restore and maintain the historic kokanee fishery in this lake.

1. The March opener is intended to allow anglers a better chance to catch lake trout while they are most active and vulnerable to angling pressure.
2. Hydro-acoustic surveys have shown an over-abundance of smallmouth bass in the lake. Predation by smallmouth and other warmwater fish on kokanee is very high. The separate limit of 10 smallmouth will allow anglers to harvest more of these fish.
3. The change to the trout daily limit from 5, no more than two over 20" to 5 fish, no more than two over 30" will allow anglers to harvest more lake trout in the 20" to 30" range, which will reduce predation on the kokanee population.

### #20. Lewis River Power Canal

**Proposal:** This proposal would open the Lewis River Power Canal (Skamania Co.) from the fishing pier to the access road at Swift Dam to fishing for game fish from the last Saturday in April through October 31, with standard lake rules, except fishing from a floating device prohibited.

**Explanation:** An embankment at the power canal collapsed April 21, 2002 and the fishery had to be closed. Necessary repairs and reconstruction have now been completed so that the canal can be reopened to fishing. It was opened by emergency rule for a reduced season in 2006.

### #21. Willapa River Stationary Gear Rule

**Proposal:** This proposal would allow anglers to fish with stationary gear on the Willapa River (Pacific Co.) from the mouth to the WDFW access at the mouth of Ward Creek/Wilson Creek.

**Explanation:** The current rule does not allow anglers to fish with stationary gear from the mouth to Highway 6 Bridge 2 miles below Trap Creek from August 16 – November 30. The stationary gear prohibition was put into place to stop anglers from snagging salmon, but it had the unintended consequence of stopping a popular sturgeon fishery near the mouth. The area downstream of the WDFW access has deep water, not conducive to salmon snagging, but good for sturgeon fishing. This rule will allow legitimate sturgeon fishers to use this water during the summer/fall period.

## **#22. Eliminate Pt Angeles, Pt Townsend, Sequim Bay and Carr Inlet Shrimp District Designations**

**Proposal:** This proposal would eliminate the shrimp districts designations for Port Angeles Harbor, Port Townsend Bay, Sequim Bay, and Carr Inlet.

**Explanation:** Areas designated as shrimp districts are normally closed to harvest in an attempt to protect areas where shrimp reproduce. However, resource assessment data collected over the last 5 years indicates that the Port Angeles and Port Townsend districts indicates that recruitment seems to come from outside the areas. Sequim Bay and Carr Inlet have not had harvestable spot shrimp populations in many years. Because these areas no longer contain self-sustaining populations of shrimp that need to be actively managed, there is no need to retain them as special shrimp districts. Existing gear and possession restrictions in surrounding areas will adequately protect the resource in these areas during standard spot and non-spot shrimp openings.

## **#23. North Bay (Case Inlet) Clam and Oyster Beaches**

**Proposal:** This proposal would open to clam and oyster harvest a 20-acre parcel of agency-owned tideland on the west side of the bay, and a small public parcel near Gillis Cove.

**Explanation:** There is no biological or management reason to keep these areas closed. This proposal would open all public tidelands in North Bay year-round.

## **#24. Other Clam and Oyster Seasons**

Proposals for season changes for other clam and oyster beaches are not available at this time because current seasons are still under way and harvest numbers are not complete. These proposals will be available later this winter, and will be placed on the Department's web site at that time.

## **#25. Bottomfish Limits for Lower Columbia River**

**Proposal:** This proposal would make the rules for bottomfish (daily limits, minimum sizes, etc.) in the lower Columbia River (from the Buoy 10 line to the Rocky Point/Tongue Point line) the same as the rules in adjacent Marine Area 1.

**Explanation:** Anglers like to fish for bottomfish off the jetty (east of the Buoy 10 line, so technically inside the Columbia River). This proposal would legalize this fishery, and give anglers minimum sizes and daily limits for these fish.

## HOUSEKEEPING

Housekeeping rules are mostly rules that have little or no effect on what anglers read in the fishing pamphlet. Some simply clear up redundant statements in the Washington Administrative Code (WAC) language and have no effect on the fishery. Others are needed to make the WAC language reflect the management intent for a particular fishery. Most of these changes have been implemented by emergency rule for this season, and already appear in the pamphlet. Changing them in the WAC makes the revision permanent.

### **#26. Catch Record Card in Physical Possession**

**Proposal:** This proposal would change WAC language to state that a catch record card is invalid unless an angler has in his physical possession the appropriate license and catch record card of the fishery the angler is participating in.

**Explanation:** Enforcement agents have requested this change to avoid the situation where anglers claim that their catch record card is “in their possession” because it is at their house or in their car or boat.

### **#27. Blue Creek WAC Language**

**Proposal:** This proposal changes the wording in the rule for Blue Creek (Lewis Co) that describes a hatchery steelhead to read “hatchery steelhead with a clipped right ventral fin.”

**Explanation:** Last year, the definition of a hatchery steelhead was changed from a fish with a missing adipose or ventral fin to a fish with a clipped fin. This was to allow anglers to retain fish that had been only partially clipped, leaving a question as to whether or not the fin was really “missing.” When the statewide change was made, the language specific to Blue Creek was overlooked. This aligns the language in Blue Creek with the statewide rule.

### **#28. Green Lake and Beaver Lake Redundant WAC Language**

**Proposal:** This proposal simply removes redundant language in the rules for Green Lake (Okanogan Co.) and Beaver Lake (Clallam Co.).

**Explanation:** Last year a rule was passed allowing anglers to use electric motors in all areas where selective gear rules are in effect. The rules for Green Lake and Beaver Lake already contained a provision allowing electric motors. This language is now redundant, and can be removed without changing the intent or effect of the rule.

### **#29. Tieton River Selective Gear Rules**

**Proposal:** Add selective gear rules to the mainstem Tieton River (Yakima Co.) from June 1 – October 31.

**Explanation:** This proposal corrects a mistake in the WAC language made in 2002. Agency staff proposed, and the Fish and Wildlife Commission adopted selective gear rules for the Tieton in the 2001-2002 major rule change cycle. However, in proofing the 2006-2007 fishing pamphlet, we noticed that selective gear rules were not listed in the

WAC for the Tieton. This change will make the WAC language meet the intent of the Commission and department staff for management of the fishery in the Tieton River. It has been adopted for the 2006-2007 season by emergency rule, and is listed in the fishing pamphlet.

### **#30. Wapato Lake Trout Retention**

**Proposal:** Change WAC language to allow anglers to retain trout on Wapato Lake (Chelan Co.) from the last Saturday in April – July 31.

**Explanation:** The trout retention season on Wapato Lake from the last Saturday in April – July 31 has been listed in the fishing pamphlet for several years, and is the management intent for that water. However, in a review of the WAC language, it was discovered that the rule requires the release of all trout from the last Saturday in April through October 31, instead of from August 1 – October 31, as intended. This proposal will fix the problem, which has been addressed by emergency rule for the 2006 fishery.

### **#31. Lewis River Mouth Definition**

**Proposal:** This proposal would define the mouth of the Lewis River (Clark Co.) as a straight line from a fishing boundary marker or from the outermost upland at the north shore of the Lewis River mouth, southerly across the river to a fishing boundary marker near the south shore.

**Explanation:** The boundary sign on the north shore at the mouth of the Lewis River is often torn down by the public, making it hard to identify the line, and hard to enforce. The new definition will specify a line where the Lewis River begins whether the markers are in place or not, providing better protection for ESA-listed fish.

### **#32. Nemah River**

**Proposal:** This proposal is needed to clarify WAC language regarding night closures and nonbuoyant lure restrictions on the Nemah River Forks (Pacific Co.).

**Explanation:** Management intent is to have a night closure on the Middle Nemah and the South Nemah up to the confluence with the Middle Nemah from August 16 – November 30. The North Nemah has a night closure from October 1- November 30. There is a nonbuoyant lure restriction on the North Nemah upstream from the bridge on the dead-end Lower Nemah Road and on the Middle Nemah upstream from the DNR Bridge on the Middle Nemah A-line road August 16 – November 30. This proposal makes the WAC language for these restrictions match the management intent. These rules are all printed in the fishing pamphlet.

### **#33. Washougal River Catch-and-Release Season**

**Proposal:** This proposal makes the beginning date for the spring season in the Washougal River (Clark Co.) from the mouth to the Mt. Norway Bridge April 16.

**Explanation:** Last year, staff proposed opening this season early, on March 16. However, steelhead returns were not good, and the proposal was not recommended for adoption by the Commission. The Commission agreed to leave the season unchanged, but the proposed language with the earlier opening date was inadvertently left in the



WAC. This proposal will fix the error. The 2007 spring season will be corrected by emergency rule.

### **#34. Wishkah River Salmon Fishery and Closed Waters**

**Proposal:** Language for the Wishkah River (Grays Harbor Co.) salmon fishery and Closed Waters needs to be placed in the proper paragraph of the WAC.

**Explanation:** The Closed Waters area in the Wishkah River (Grays Harbor Co.) from the dam at Wishkah Rearing Ponds (formerly Mayr Brothers) downstream to 400 feet below the outlet channel is listed in the WAC as being in the mainstem below the West Fork. This needs to be moved to the section from the West Fork to the rearing ponds. The salmon fishery, listed only in the lower section, needs to be extended into the section from the West Fork to the rearing ponds.

The pamphlet section below shows the correct placements.

### **#35. Columbia River Sturgeon Fishery**

**Proposal:** This proposal would make the start date in the permanent rule for the sturgeon catch and release fishery in the Columbia River from Bonneville Dam to McNary Dam August 1.

**Explanation:** Sport harvest within the three impoundments that comprise this section of the Columbia River is managed using annual harvest quotas. The length of the retention season depends on when quotas are met, typically in the mid-summer, and the retention fishery is closed by emergency rule until the permanent rule closing retention takes effect (currently September 1 through December 31). However, sturgeon stocks in two of the impoundments have recently suffered poor production and quotas have been reduced significantly. The emergency rule that closes the retention fishery is only effective for 120 days. One retention fishery closed April 8 this year, and seasons in future years are likely to close more than 120 days before the current permanent rule closure date of September 1. This proposal is intended move the closure date to the retention fishery early enough in the year to ensure that the limited duration emergency closures do not run out.

### **#36. Marine Area 1 Description**

**Proposal:** Describe Marine Area 1 as: "Waters west of the Buoy 10 line and north to Leadbetter Point."

**Explanation:** The current description of Marine Area 1 contains conflicting language describing waters west of the Megler-Astoria Bridge as well as waters west of the Buoy 10 line. This proposal will make the language clear.

### **#37. Zee's Reef**

**Proposal:** Change the name of Zee's Reef Marine Preserve to Z's Reef Marine Preserve.

**Explanation:** Staff were recently contacted by the person the preserve is named for. The gentleman informed us that his nickname is "Z", not "Zee" and he would like to see the name of the preserve changed accordingly.

### **#38. Use of Harpoons to Land Halibut**

**Proposal:** This proposal would make it lawful to use a harpoon while landing a halibut.

**Explanation:** Many anglers think that a harpoon is a form of gaff, which is already legal to use while landing a halibut. Others disagree. In order to reduce confusion and clarify the rule, we would specifically state that a harpoon may be used to land a halibut.

### **#39. WAC Language Concerning Use of Shellfish Pots**

**Proposal:** This proposal would change the language in the WAC concerning the unlawful use of shellfish gear to specify it is unlawful to set, fish, or pull the gear.

**Explanation:** Enforcement agents have requested the change in language to make it very clear that using shellfish gear includes setting, fishing, and pulling the gear.

### **Cedar River Update**

As promised to the Commission last year, Fish Program is carrying out several types of surveys on the Cedar River to determine population size and structure and angler effort and success in the current catch-and-release fishery. Since the surveys are on-going at this time, a proposal is not included. If the surveys show a need for an immediate change, a proposal will be formulated and sent out separately so that anglers may comment on it before the Commission considers any rule changes at their February 2007 meeting.